

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Stephen J. Guidetti,	)	
	)	
Plaintiff,	)	C.A. No. 6:11-1249-HMH-KFM
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
NFN Donahue, aka, dba, Deputy Sheriff	)	
Sgt., Employee of Corporation, aka, dba,	)	
Sheriff Department; Alex R. Payne, aka,	)	
dba, Deputy Sheriff, Employee of	)	
Corporation, aka, dba, Sheriff Department;	)	
John Does 1-10, address unknown at	)	
this time; Jane Does 1-10, address	)	
unknown at this time,	)	
	)	
Defendants.	)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> Stephen J. Guidetti (“Guidetti”), proceeding pro se, alleges several constitutional violations pursuant to 42 U.S.C. § 1983. In his Report and Recommendation, Magistrate Judge McDonald recommends granting the Defendants’ motion for summary judgment and denying Plaintiff’s motion for summary judgment.

Guidetti filed objections and additional objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Guidetti's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge McDonald's Report and Recommendation and incorporates it herein by reference.

Guidetti additionally filed three separate motions requesting information under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, from Magistrate Judge McDonald, Magistrate Judge Jacquelyn D. Austin, and United States District Court Clerk Larry Propes. The FOIA directs *agencies* to make available to the public certain information. See 5 U.S.C. § 552(a). An agency is defined as "any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency." § 552(f)(1). The federal courts are not subject to the FOIA. United States v. Mitchell, No. 03-6938, 2003 WL 22999456, at \*1 (4th Cir. Dec. 23, 2003) (unpublished). Guidetti's FOIA requests are directed to Magistrate Judge McDonald, Magistrate Judge Austin, and Clerk Propes, all officers of the federal court; therefore, the motions are denied.

It is therefore

**ORDERED** that the Defendants' motion for summary judgment, docket number 88, is granted. It is further

**ORDERED** that the Plaintiff's motion for summary judgment, docket number 100, is denied. It is further

**ORDERED** that the Plaintiff's pending nondispositive motions, docket numbers 121, 125, and 126, are denied as moot. It is further

**ORDERED** that the Plaintiff's motions requesting information pursuant to the FOIA, docket numbers 135, 136, and 137, are denied.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
September 13, 2012

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.